



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Barbera-Guillem, et al.
SERIAL NO. : 10/626,213
FILED : July 24, 2003
EXAMINER : Ronald B. Schwadron
ART UNIT : 1644
CONFIRMATION NO. : 9675
TITLE : **METHODS AND COMPOSITIONS FOR
IMMUNOTHERAPY OF B CELL INVOLVEMENT
IN PROMOTION OF A DISEASE CONDITION
COMPRISING MULTIPLE SCLEROSIS**
ATTORNEY DOCKET NO. : 26983.133

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBSTITUTE RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Restriction Requirement dated July 6, 2006, and the Communication mailed October 24, 2006, Applicant requests that this paper supercede the previous response filed August 7, 2006.

Applicant elects, with traverse, as follows:

- A. CD19 as the species of B cell determinants.
- B. Site directed as the species of administration method.

Claims 1, 18, 20-27, 29-34, 36-39 and 41-48 are believed to be readable on the elected species.

In order to be completely responsive, Applicant has elected species as set forth above. However, Applicant respectfully traverses the Restriction Requirement and requests reconsideration of both of the species elections based on the remarks below.

In discussing restriction practice, the MPEP states that “If the search and examination of an entire application can be made without serious burden, the Examiner must examine the application on the merits, even though it includes claims to distinct or independent inventions.” MPEP Section 803. As an initial observation, Applicant believes that the species election required should be withdrawn because a search for parenteral or site directed administration would likely reveal references pertaining to the other. Thus, the Examiner’s search will likely reveal references containing both of the species asserted by the Office.

Secondly, regarding the group of B cell determinants, Applicant again emphasizes that the Examiner’s search for various specific elements in the claims would reveal references to others of the species identified.

Thus, because there is likely no burden on the Office to perform the search, and to economize resources Applicant requests the pending Restriction Requirement be withdrawn.